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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. 571-273-0419)

On 4/10/07
(Date)


Julie H. Gamotis

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVEDIn re Application of **Fax: 571-273-0419**

APR 10 2007

Thomas LANDAZURI **Attention: Vonda M. Wallace**PCT SPECIAL
PROGRAMS OFFICE

Serial No.: 10/585,198

Filed: June 30, 2006

For: CREAM FILLER COMPOSITION AND METHOD FOR PREPARING

RESPONSE

To the Director of the Patent and Trademark Office

Sir:

In response to the attached Notification of Missing Requirements Under 35 U.S.C. 371 dated February 16, 2007, attached is a Power of Attorney and Statement Under 37 CFR 3.73(b) for the above-identified application.

Kindly accept the attached Annexes 1-5 in lieu of the inventor's signed declaration.

1. Annex 1 is a true copy of the employment contract in Dutch language between Mr. Thomas Landazuri and Amylum Belgium NV.
2. Annex 2 is a true translation of Annex 1.
3. Annex 3 is a true copy of the extract from the central social security data bank of Tate & Lyle Europe in Dutch language.
4. Annex 4 is a translation of the relevant parts showing the different names during the time of Tate & Lyle Europe.

5. Annex 5 is a true copy of e-mails proving that Mr. Landazuri does not want to sign the declaration.

Annex 1 and its translation, Annex 2

- a. show at the top and end that on November 11, 1999 the inventor, Thomas Landazuri, was employed by Amylum Belgium NV; and
- b. show in paragraph 10 that the inventor had a duty to sign any invention application to its employer.

Annex 3 and its translation, Annex 4, show that on March 23, 2000 Amylum Belgium became Amylum Europe, and that on November 15, 2004 Amylum Europe became Tate & Lyle Europe.

Thus, from Annexes 1-4, the inventor was required to assign his invention on the international filing date of December 30, 2003, the inventor was required to assign the invention to Amylum Europe, and on the U.S. applicaton 10/585,198 filed on June 30, 2006 the inventor was required to assign the invention to Tate & Lyle Europe.

It is noted that on the translation, Annex 4, the Tate & Lyle Europe end date "1999" is a typographical error, and on Annex 3 the correct end date is "9999".

Annex 5 shows that the inventor refused to sign the U.S. application because "I am not working for Tate & Lyle anymore".

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Therefore, it is clear for Annexes 1-5 that the inventor had a duty to assign the application but refused to sign the declaration.

Kindly accept Annexes 1-5 in lieu of a signed declaration of the inventor.

Form PTO-2038 authorizing the charge of \$130.00 is also attached to cover the late declaration surcharge.

Respectfully,



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April 10, 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/585,198	Thomas Landazuri	KOB

James C. Wray
 1493 Chain Bridge Road
 Suite 300
 McLean, VA 22101

JLG 4-16-07

Date Mailed: 02/16/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/30/2006
- Copy of the International Search Report filed on 06/30/2006
- Copy of IPE Report filed on 06/30/2006
- Preliminary Amendments filed on 06/30/2006
- Information Disclosure Statements filed on 09/27/2006
- Request for Immediate Examination filed on 06/30/2006
- U.S. Basic National Fees filed on 06/30/2006
- Specification filed on 06/30/2006
- Claims filed on 06/30/2006
- Abstracts filed on 06/30/2006
- Drawings filed on 06/30/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/585,198	PCT/EP03/14985	KOB

FORM PCT/DO/EO/905 (371 Formalities Notice)